IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13512 of 2005

Between:

A. Prabhakar Reddy, S/o. A. Bakka Reddy,
R/o. Vikarabad, R.R.District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Ranga Reddty District head

Quarters.
2 The Motor Vehicle Inspector, ' Shapur Check Post, SRTA, Ranga Reddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order of direction, especially, one in the nature of Writ of Mandamus declaring the seizure of the petitioner vehicle bearing No. AP 20U 1293 vide vehicle check report No.2547026 dt. 13.5.2005 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No. AP 20U 1293 immediately.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing his vehicle vide Vehicle Check Report No.2547026, dated 13.05.2005, for the alleged irregularities specified therein.

It is stated that the petitioner immediately after seizure of his vehicle made an application on 03.06.2005 seeking release of his vehicle. However, the respondents did not release his vehicle. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

The petitioner's vehicle has been seized for the alleged irregularities specified in the Vehicle Check Report. The respondents are not entitled to detain the vehicle of the petitioner as an application has already been made by him as required under Rule 48 of the A.P. Motor Vehicles Rules, 1989 and as per the judgment of this Court.

Therefore, the respondents are directed to release the vehicle of the petitioner within three days on condition of the petitioner depositing a sum of Rs.5,000/- (Rupees five thousand only), and on payment of tax, if any due, with a further undertaking that the petitioner shall not alienate or encumber the vehicle, pending enquiry. It is made clear that the release of the vehicle as well as the deposit made by the petitioner as directed hereinabove shall be subject to the outcome of the orders that are going to be passed by the respondents as contemplated under the Act.

The writ petition is accordingly disposed of. No costs.

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24.06.2005

VGB

To

1 The Secretary, Regional Transport Authority, Ranga Reddty District head Quarters.

2 The Motor Vehicle Inspector, Shapur Check Post, SRTA, Ranga Reddy.

3 2CCs to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT).

4 2CD copies.